

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A picket fence and rail mounting system comprising:
at least an upper and a lower, elongate rail in spaced relation to one another, each rail having a hollow interior defining a substantially I-shaped cross-section having a first surface, a second surface, at least a first slot adjacent the first surface, at least a second slot adjacent the second surface, a plurality of spaced openings in the first surface, and a channel in the second surface, the channel having a width that is at least as wide as the width of each opening;

at least one elongate picket having a first end and a second end, at least a first notch or indentation in a picket face, and a cross-sectional shape substantially the same as, but of slightly smaller dimension than the openings in the first surface of the rails; and

at least one elongate retaining rod disposed within at least one of the rails, wherein the rod cooperates with [[a]] the first notch or indentation on each picket to secure the picket to the rail; and

wherein the rod is alternately disposable within [[a]] either of the first or second [[slot]] slots of the upper rail, and alternately disposable within [[a]] either of the first or second [[slot]] slots of the lower rail, and each rail may be alternately oriented such that the first surface resides above the second surface and vice versa, wherein the rod is disposable in first and second vertically spaced positions respectively defined by the slots of the upper rail to secure the picket in first and second positions corresponding to the first and second positions of the rod.

2. (Withdrawn) The system of claim 1, wherein each notch comprises a substantially V-shaped upper extent and a substantially V-shaped lower extent such that the vertices of each V are oppositely disposed and define a minimum width of the notch.

3. (Original) The system of claim 1, wherein the first notch or indentation is located near the first end and the picket further comprises a second notch or indentation near the second end.

4. (Original) The system of claim 3, wherein the notches or indentations on each picket are in one picket face.

5. (Original) The system of claim 3, wherein the notches or indentations on each picket are in oppositely facing picket faces.

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6. (Original) The system of claim 3, wherein a distance between the first picket end and first notch or indentation is shorter than a distance between the second picket end and second notch or indentation.

7. (Previously Presented) The system of claim 6, wherein with both the upper and lower rails oriented such that the first surface of each faces upward, and each picket oriented such that the first end of each faces upward and the second end of each faces downward, and ~~[[a]] the retaining rod [[resides]]~~ residing within ~~[[a]] the~~ first rail slot in ~~[[at least]]~~ the upper rail such that the rod cooperates with the first notch or indentation on each picket, the first end of each picket extends upwardly a distance x from the first surface of the upper rail and the second end of each picket extends downwardly a distance y from the second surface of the lower rail, wherein y is greater than x.

8. (Previously Presented) The system of claim 6, wherein with both the upper and lower rails oriented such that the first surface of each faces upward, and each picket oriented such that the second end of each faces upward and the first end of each faces downward, and ~~[[a]] retaining rod [[resides]]~~ residing within ~~[[a]] the~~ first rail slot in ~~[[at least]]~~ the upper rail such that the rod cooperates with the second notch or indentation on each picket, the second end of each picket extends upwardly a distance y from the first surface of the upper rail and the first end of each picket extends downwardly a distance x from the second surface of the lower rail, wherein y is greater than x.

9. (Previously Presented) The system of claim 6, wherein with both the upper and lower rails oriented such that the first surface of each faces upward, and a first set of pickets oriented such that the first end of each faces upward and the second end of each faces downward, and a second set of pickets oriented such that the second end of each faces upward and the first end of each faces downward, and a retaining rod ~~[[resides]]~~ residing within ~~[[a]] the~~ first rail slot in ~~[[at least]]~~ the upper rail such that the rod cooperates with the first notch or indentation of each picket in the first set and the second notch or indentation of each picket in the second set, the first end of each picket in the first set extends upwardly a distance x from the first surface of the upper rail and the second end of each picket in the first set extends downwardly a distance y from the second surface of the lower rail, and the second end of each picket in the second set extends upwardly a distance y from the first surface of the upper rail and the first end of each picket in

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the second set extends downwardly a distance x from the second surface of the lower rail, wherein y is greater than x.

10. (Withdrawn) The system of claim 7, 8 or 9, further comprising decorative finials, wherein each finial comprises a lower portion configured to slidably engage one end of a picket, and an upper portion configured to provide an aesthetic design.

11. (Withdrawn) The system of claim 7, 8 or 9, further comprising decorative inserts, wherein each insert comprises a mounting portion configured to slidably engage the lower slots of at least the upper or lower rail, and an decorative portion configured to provide an aesthetic design.

12. (Withdrawn) The system of claim 6, wherein with the upper rail oriented such that its first surface faces downward, and the lower rail oriented such that its first surface faces upward, and each picket oriented such that the first end of each faces upward and the second end of each faces downward, and [[a]] the retaining rod [[resides]] residing within [[a]] the first rail slot in [[at least]] the upper rail such that the rod cooperates with the first notch or indentation on each picket, the first end of each picket is flush with or beneath the second surface of the upper rail and the second end of each picket extends downwardly a distance y from the second surface of the lower rail.

13. (Withdrawn) The system of claim 12, further comprising an elongate cap having a substantially C-shaped cross-section and configured to slidably engage the second surface of the upper rail and provide a continuous flat cover therefor.

14. (Original) The system of claim 1, wherein an exterior surface of each rail defines a substantially I-shaped cross-section.

15. (Original) The system of claim 1, wherein the pickets are tubular.

16. (Withdrawn) The system of claim 1, wherein the rod is cylindrical.

17. (Withdrawn) The system of claim 1, wherein the rod has an oval cross-section.

18. (Original) The system of claim 1, wherein the rod has a flattened-oval cross-section.

19. (Withdrawn) The system of claim 1, wherein the rod has a square cross-section.

20. (Withdrawn) The system of claim 1, wherein the rod has an L-shaped cross-section.

21. (Currently Amended) A picket fence and rail mounting system comprising:

at least an upper and a lower[[,]] elongate rail in spaced relation to one another, each rail having a hollow interior defining a substantially I-shaped cross-section having a first surface, a second surface vertically spaced from the first surface, at least a first slot adjacent the first surface, at least a second slot adjacent the second surface, the first and second slots being vertically spaced, a plurality of spaced openings in the first surface, and a channel in the second surface, the channel having a width that is at least as-wide as the width of each opening;

at least one elongate picket having a first end and a second end, at least a first hole in a picket face, and a cross-sectional shape substantially the same as, but of slightly smaller dimension than the openings in the first surface of the rails; and

at least one fastening [[members]] member cooperating with the at least one [[of the holes]] hole to secure the picket to the rail, wherein each rail may be alternately oriented such that the first surface faces upward and such that the first surface faces downward.

22. (Currently Amended) The system of claim 21, wherein the at least one fastening [[members comprise]] member comprises a spring [[clips]] clip.

23. (Currently Amended) The system of claim 22, wherein the spring [[clips]] clip [[are alternately insertable]] may be inserted within [[a]] the first slot or the second slot of the [[corresponding]] upper rail, and the spring clip may be inserted within the first slot or the second slot of the lower rail.

24. (Currently Amended) The system of claim 21, wherein the at least one fastening [[members comprise]] member comprises a threaded [[screws]] screw.

25. (Previously Presented) A picket fence and rail mounting system comprising:

an elongate, substantially hollow rail having a top wall with a plurality of spaced openings, and a bottom wall with an elongate channel having a width that is at least as wide as the width of each opening, the rail having a first interior width at a vertical center thereof, the first interior width being measured in a horizontal direction from a first inside surface thereof to a second inside surface thereof, and a second interior width at a height just beneath the top wall, the second interior width being measured in a horizontal direction from the first inside surface to the second inside surface, the second interior

width being greater than the first interior width, thus defining an interior elongate slot adjacent the top wall;

at least one elongate picket with a notch or indentation in a side of the picket, and a cross-sectional shape sized to fit snugly within one of the openings and the channel; and an elongate retaining rod disposed within the slot and the notch or indentation to secure the picket to the rail.

26. (Original) The system of claim 25, wherein the rail may be alternately oriented such that the top wall faces upward or the channel faces upward.

27. (Original) The system of claim 25, wherein the picket notch or indentation is a first picket notch or indentation located near a first picket end, and the picket further comprises a second notch or indentation near a second picket end.

28. (Original) The system of claim 27, wherein a distance between the first picket end and first notch or indentation is shorter than a distance between the second picket end and second notch or indentation.

29. (Currently Amended) [[A]] An elongate picket fence rail comprising: [[an elongate rail having]] a hollow interior defining a substantially I-shaped cross-section having a top wall, a bottom wall spaced from the top wall, at least a first top slot adjacent the top wall, at least a first bottom slot adjacent the bottom wall, a plurality of spaced openings in the top wall, and an elongate channel in the bottom wall, the channel having a width that is at least as wide as the width of each opening [[so that an elongate picket may extend through each opening and the channel, the top slot being sized to receive a retaining member to cooperate with a notch or indentation or hole in the picket to secure the picket to the rail]].

30. (Previously Presented) The rail of claim 29, wherein the top slot is sized to receive an elongate retaining rod.

31. - 37. (Canceled)

38. (Withdrawn) A decorative insert for use with a picket fence and rail mounting system, comprising:

a mounting portion configured to slidably engage a slot of a rail; and
a decorative portion configured to provide an aesthetic design.

39. (Withdrawn) The insert of Claim 38, wherein

the mounting portion comprises a substantially rectangular parallelepiped having at least one groove on each of two opposite faces.

40. (Withdrawn) The insert of Claim 39, wherein the mounting portion comprises at least a pair of grooves on each of two opposite faces.

41. (Withdrawn) The insert of Claim 38, wherein the decorative portion comprises a ring.

42. (Withdrawn) A picket fence and rail mounting system, comprising:
a rail, the rail having

a first surface containing therein a slot; and
a hollow interior portion; and

a decorative insert having a mounting portion configured to slidably fit within the interior and extend through the rail slot, and a decorative portion positioned outside the rail and configured to provide an aesthetic design.

43. (Currently Amended) A picket fence and rail mounting system comprising:

at least an upper and a lower, elongate rail in spaced relation to one another, each rail having a hollow interior defining an I-shaped cross-section having a first surface, a second surface, at least a first slot adjacent the first surface, at least a second slot adjacent the second surface, a plurality of spaced openings in the first surface, and a channel in the second surface, the channel having a width that is at least as wide as the width of each opening;

at least one elongate picket having a first end and a second end, at least a first notch or indentation in a picket face, and a cross-sectional shape substantially the same as, but of slightly smaller dimension than the openings in the first surface of the rails; and

at least one elongate retaining rod disposed within at least one of the rails, wherein the rod cooperates with a notch or indentation on each picket to secure the picket to the rail; and wherein

[[the rod is alternately disposable within a first or second slot of the upper rail, and alternately disposable within a first or second slot of the lower rail, and each rail may be alternately oriented such that the first surface resides above the second surface and vice versa]]

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the rod is disposable in first and second vertically spaced positions respectively
defined by the slots of the upper rail to secure the picket in first and second positions
corresponding to the first and second positions of the rod.

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SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

N/A.

Identification of Claims Discussed

Claim 1.

Identification of Prior Art Discussed

U.S. Patent No. 2,218,953 to Gustafson.

Proposed Amendments

1. (Currently Amended) A picket fence and rail mounting system comprising:
 - at least an upper and a lower, elongate rail in spaced relation to one another, each rail having a hollow interior defining a substantially I-shaped cross-section having a first surface, a second surface, at least a first slot adjacent the first surface, at least a second slot adjacent the second surface, a plurality of spaced openings in the first surface, and a channel in the second surface, the channel having a width that is at least as wide as the width of each opening;
 - at least one elongate picket having a first end and a second end, at least a first notch or indentation in a picket face, and a cross-sectional shape substantially the same as, but of slightly smaller dimension than the openings in the first surface of the rails; and
 - at least one elongate retaining rod disposed within at least one of the rails, wherein the rod cooperates with [[a]] the first notch or indentation on each picket to secure the picket to the rail; and
 - wherein the rod is alternately disposable within [[a]] either of the first or second [[slot]] slots of the upper rail, and alternately disposable within [[a]] either of the first or second [[slot]] slots of the lower rail, and each rail may be alternately oriented such that the first surface resides above the second surface and vice versa, wherein the rod is disposable in first and second vertically spaced positions respectively defined by the slots of the upper rail to secure the picket in first and second positions corresponding to the first and second positions of the rod.

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Principal Arguments and Other Matters

Gustafson does not disclose an elongate rail having a hollow interior defining a substantially I-shaped cross-section with at least a first slot adjacent a first surface and at least a second slot adjacent a second surface. Gustafson further does not disclose a retaining rod that is disposable in first and second vertically spaced positions respectively defined by the slots of the rail.

Results of Interview

The Examiner agreed that Claim 1 would overcome the prior art of record if amended to include the limitation "wherein the rod is disposable in first and second vertically spaced positions respectively defined by the slots of the upper rail to secure the picket in first and second positions corresponding to the first and second positions of the rod". However, the Examiner also noted that such an amendment would necessitate a new search.